

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

IN RE:

VALENICIA PRICE,
DEBTOR/PLAINTIFF,

VS.

CHAPTER 13
CASE NO. 12-31410-E
ADVERSARY NO.

WELLS FARGO BANK, NA,
CREDITOR/DEFENDANT.

COMPLAINT FOR INJUNCTIVE RELIEF

Comes now the above named Plaintiff, and files this Complaint for Injunctive Relief and Debtor would state to following:

1. The jurisdiction and venue are proper.
2. The debtor filed for relief under Chapter 13 Bankruptcy of the United States Bankruptcy Code on October 23, 2012.
3. At the Commencement of the Chapter 13 Case, Debtor owns and occupies as her homestead that certain real property located at 6907 Snyder Road, Memphis, TN 38141. At the time of the filing of the Petition under Chapter 13 Case, Wells Fargo Bank, NA, holds a first lien on said property.
4. On November 13, 2012, at 12:00 p.m., Wells Fargo Bank, NA, scheduled a foreclosure sale of said property.
5. It would be an injustice and Debtor would suffer irreparable harm if an order is not issued preventing Wells Fargo Bank, NA, from encumbering said property or transferring said property to a third party.

6. Debtor requests that mortgage company be enjoined from encumbering or transferring the property.

WHEREFORE, PREMISES, CONSIDERED, Debtor prays that this matter be set for a hearing, and that the Court enter an order for an injunction prohibiting, encumbering, and/or transferring of the property or confirmation of the sale.

Respectfully submitted,

/s/ Jimmy E. McElroy #011908
Attorney for Debtor
3780 S. Mendenhall
Memphis, Tennessee 38115
(901) 363-7283

Certificate of Service

The undersigned certifies that the above motion was mailed VIA United State Postal Service, hand delivered or by facsimile machine to all parties listed below on October 30, 2012.

/s/Jimmy E McElroy

Debtor

Debtor's Attorney

Case Trustee

Wells Fargo Home Mortgage, P.O. Box 10335, Des Moines, IA 50306

Corporation Service Company, Registered Agent for Wells Fargo Bank NA, 2908 Poston Avenue, Nashville, TN 37203-1312

Shapiro and Kirsch, Attorneys for Wells Fargo Bank NA, 555 Perkins Extend, 2nd Floor, Memphis, TN 38117